

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF BOATING AND OCEAN RECREATION
333 Queen Street, Suite 300
Honolulu, Hawaii 96813

December 8, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

HAWAII

REQUEST FOR APPROVAL TO CONDUCT A PUBLIC HEARING REGARDING
PROPOSED AMENDMENTS TO HAWAII ADMINISTRATIVE RULES SECTION 13-256-
141 AS IT RELATES TO THE PERSONAL WATERCRAFT ZONE IN HILO BAY OF THE
EAST HAWAII OCEAN RECREATION MANAGEMENT AREA (ORMA), HAWAII ISLAND.

PURPOSE:

To gather comments from the general public about the appropriateness of the existing Recreational Thrillcraft Zone in the East Hawaii ORMA (shown in Exhibit "CCC") and a proposed revision to 13-256-141 HRS which was the result of a 2001 workshop to explore potential expansion of this zone (shown in Exhibit "D").

LEGAL REFERENCE:

Section 13-256-141 of the Hawaii Revised Statutes

BACKGROUND

House Concurrent Resolution 56, adopted by the Regular Session of 2001, requested that DLNR "Reevaluate the Boundaries of the Hilo Bay Recreational Thrillcraft Zone."

The reasons cited for re-evaluation were as follows:

1. The existing thrill craft zone is located nearly one mile from shore, requiring users to travel a great distance;
2. The distance poses a safety hazard to persons who may suffer equipment failure or need medical assistance;
3. The number of thrill craft users have increased since the area was first established; and
4. The recreational needs of other user groups have changed.

A workshop for that purpose was conducted by the Division of Boating and Ocean Recreation in Hilo on September 13, 2001. The meeting attracted thrill craft owners, outrigger canoe clubs, other recreational boaters, and the Hilo Trollers. Per the resulting post-meeting assessment, "after full and productive discussion, the following consensus was reached:

- A. Expansion of the recreational thrill craft zone would be allowed only within the area of Hilo Bay west of Buoy "R4";
- B. No thrill craft would be permitted within an outrigger canoe operating area located between the shoreline and a line drawn between Coconut Island and the mouth of the Wailuku River during canoe season when outrigger canoes are in the area;
- C. No commercial thrill craft operations would be allowed;
- D. The need for additional speed controls in the vicinity of the Wailoa Small Boat Harbor (slow no wake) entrance channel needs to be addressed."

Although there seemed to be consensus among the users, the resulting plan was not discussed in a public hearing and no recommendation was made to the Board as to the proposed expansion of the thrillcraft zone.

House Concurrent Resolution 249, adopted during the Regular Session of 2006, resurrected the issue of the appropriateness of the thrill craft zone in response to safety issues raised by thrillcraft owners and bay users in Hilo. The Division of Boating and Ocean Recreation (DBOR) revisited boaters, canoe-paddling clubs, thrill craft owners, outrigger canoe clubs, and other recreational boating interests for their input.

It was apparent in April, 2006 that the sampled Hilo Bay users seem to favor maintaining the status quo, however, DOBOR conducted a public meeting in Hilo on November 17, 2006 to allow any other interested parties which have not been sampled an opportunity to comment. The majority of the attendees at this meeting were PWC owners and operators who reminded DOBOR representatives that the issues of the distance to the existing thrill craft zone, safety hazards associated with this great distance, and the needs of a growing number of PWC operators have not been addressed by DOBOR. In addition, the attending PWC operators reminded DOBOR that the 2001 workshop in Hilo resulted in a plan that satisfied their needs and was supported by an array of bay users.

REMARKS:

Questions have been raised about the potential affect of PWCs on marine biota (especially sea turtles) frequenting the existing PWC zone and the areas targeted for potential PWC use. A request will be made with the Division of Aquatic Resources to comment on the potential negative effects on marine biota in the impacted areas. Comments from other agencies and other professions in the scientific community will also be solicited.

The results of the meeting will be presented with recommendations for actions by the Board.

RECOMMENDATION:

That the Board:

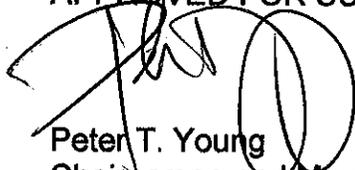
1. Grant approval to conduct a public meeting in Hilo regarding the proposed plan to expand the PWC zone in Hilo Bay, which resulted in the 2001 workshop designed for this purpose.
2. Affirm to the Department to schedule this public hearing on this rule amendment as expeditiously as possible following the Governor's approval to conduct a public hearing.
3. Authorize the Chairperson to appoint a hearing master to conduct a public hearing to receive written and verbal testimony concerning the proposed amendments to the Hawaii Administrative Rules.

Respectfully submitted,

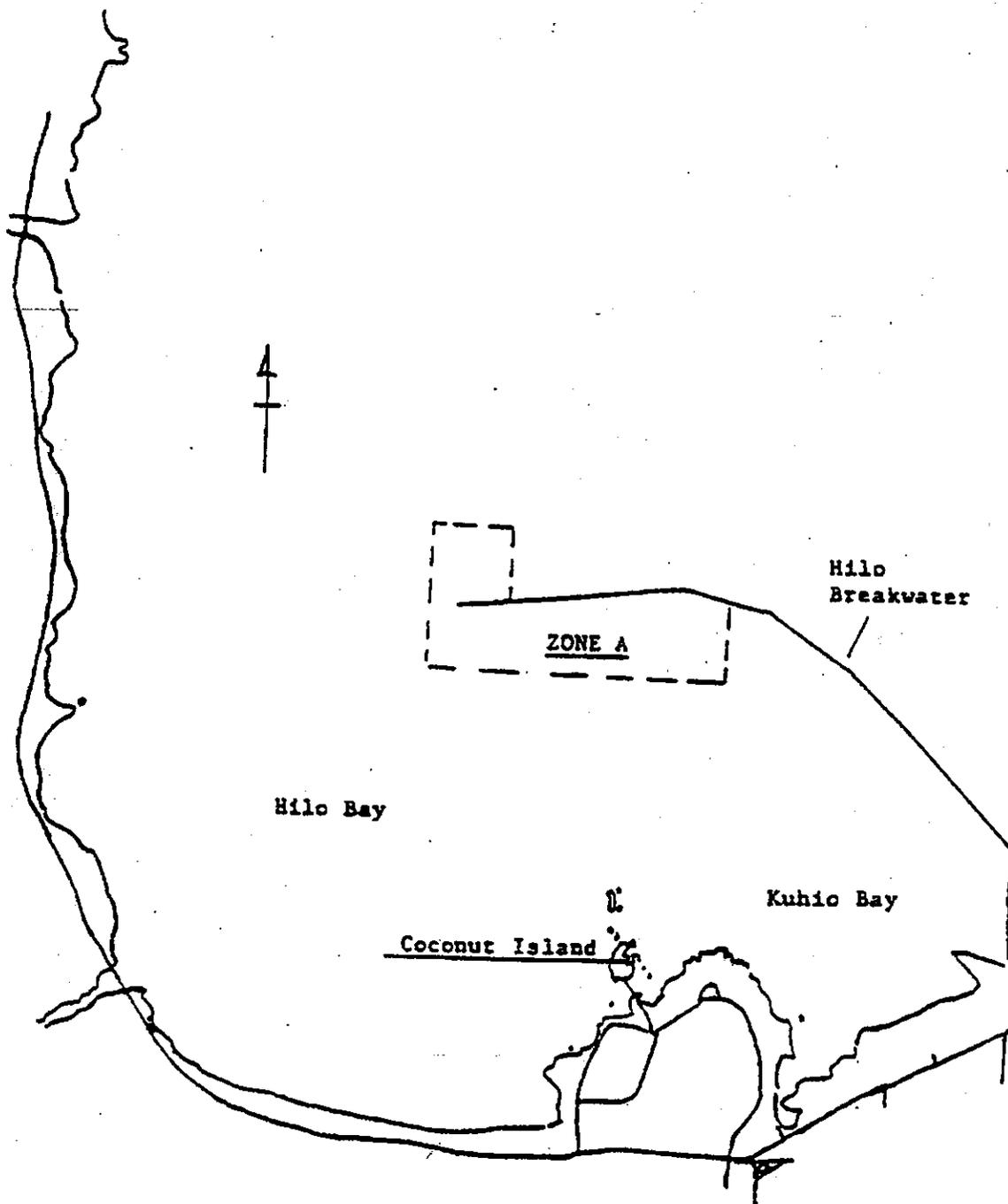


Ed Underwood
Administrator

APPROVED FOR SUBMITTAL



Peter T. Young
Chairperson and Member



OCEAN RECREATION MANAGEMENT AREAS

**HILO BAY, HAWAII, HAWAII
RECREATIONAL THRILL CRAFT ZONE
EXHIBIT "CCC"**

JUNE 30, 1988

HILO BAY RECREATIONAL THRILL CRAFT OPERATING AREAS

December 4, 2001

Section 13-256-141, Hawaii Administrative Rules, is amended to read as follows:

"13-256-141 Hilo Bay Recreational Thrill Craft [Zone] Zones.

[(a)] The Hilo Bay recreational thrill craft [zone] zones [means] mean the [area] areas confined by the boundaries shown on Exhibit "CCC", dated ~~June 30, 1988,~~ November 20, 2001, located at the end of this subchapter. All points of latitude and longitude are given in global positioning system (GPS) coordinates. [The boundaries of Zone A are as follows:

Beginning at a point at the low water mark which is three thousand six hundred feet east of the tip of Hilo Breakwater; then by azimuth measured clockwise from True South, 005 degrees for a distance of one thousand one hundred feet; 095 degrees for a distance of three thousand nine hundred feet; 185 degrees for a distance of two thousand feet; 275 degrees for a distance of one thousand one hundred feet; 005 degrees to the low water mark on the seaward side of the breakwater; then along the low water mark to the point of beginning.]

(a) The boundaries of Zone A are as follows:

Beginning at the intersection of the shoreline and the western edge of the Waiakea access corridor; then clockwise west and north along the shoreline to the intersection of COLREGS Demarcation Line 80.1480; then east along COLREGS Demarcation Line 80.1480 to the western tip of the Hilo Bay breakwater; then east along the inner face of the breakwater to position 19 degrees 44.620 minutes north, 155 degrees 44.000 minutes west; then south to buoy R "4" located at 19 degrees 44.013 minutes north, 155 degrees 04.083 minutes west; then southwest to a point 300 feet due west of Kaulainaiwi Islet at 19 degrees 43.863 minutes north, 155 degrees 04.200 minutes west; then southwest to a point located 300 feet due west of the point adjacent to the Waiakea light at 19 degrees 43.550 minutes north 155 degrees 04.333 minutes west; then southeast to the Wailoa basin channel light "1"; then direct to the Wailoa basin channel light "2"; then southeast to the shoreline and along the shoreline to the point of beginning.

[(b)—Restrictions:] This area is designated a recreational thrill craft zone. No person shall operate a commercial thrill craft, including rental units, in this area. No thrill craft shall enter the surf break located at the mouth of the Wailuku River when any person is surfing in the area.

(b) The Outrigger Canoe Subzone is the portion of Zone A that is located between the shoreline and a line drawn from the northernmost tip of Coconut Island to the south bank of the Wailuku River at the base of the southern abutment of the Bayfront Highway bridge. The Outrigger Canoe Subzone is activated during the outrigger canoe practice and racing season commencing on (date to be inserted) and continuing through (date to be inserted) of each year. No thrill craft shall enter this subzone when one or more outrigger canoes are operating within this area. Thrill craft access through this subzone enroute to or from the remainder of Zone A or Zone B shall be through the extension of the Waiakea Access Corridor as described in section 13-256-142.

(c) The boundaries of Zone B are as follows:

Beginning at the Hilo harbor entrance buoy "G1" located at 19 degrees 44.550 minutes north, 155 degrees 04.800 minutes west; then due north to a point at 19 degrees, 44.783 minutes north, 155 degrees 04.800 minutes west; then due east to a point at 19 degrees, 44.783 minutes north, 155 degrees 04.000 minutes west; then due south to the Hilo breakwater at 19 degrees, 44.622 minutes north, 155 degrees 04.000 minutes west; then west to the end of the breakwater along the outer face; then direct to the point of beginning.

This area is designated a recreational thrill craft zone. All vessels exiting Hilo Bay are cautioned to remain alert for fast moving thrill craft that may be obscured by the breakwater structure.

(d) All thrill craft are prohibited from operating east of Zone A due to navigational safety and security measures in effect for the Port of Hilo." [Eff 2/24/94] [Am]
(Auth: HRS §§200-22, 200-23, 200-24, 200-37) (Imp: HRS §§200-22, 200-23, 200-24, 200-37)

HILO BAY RECREATIONAL THRILL CRAFT OPERATING AREAS
December 4, 2001

Section 13-256-141, Hawaii Administrative Rules, is amended to read as follows:

"13-256-142 Waiakea Access Corridor. (a) The Waiakea Access Corridor means the area confined by the boundaries shown on Exhibit "DDD", dated August 19, 1988, located at the end of this subchapter. The boundaries of the corridor are as follows:

Beginning at a point at the low water mark at the north tip of the Wailoa River Channel; then by azimuth measured clockwise from True South, 187 degrees for a distance of four hundred fifty feet; 097 degrees for a distance of one hundred fifty feet; 007 degrees for a point at the low water mark of the shoreline; then along the shoreline to the point of beginning.

(b) Restrictions: The corridor is for access to the beach from Hilo Bay for recreational thrill craft and waterski activities. No person shall operate a commercial thrill craft or waterski activity in this corridor.

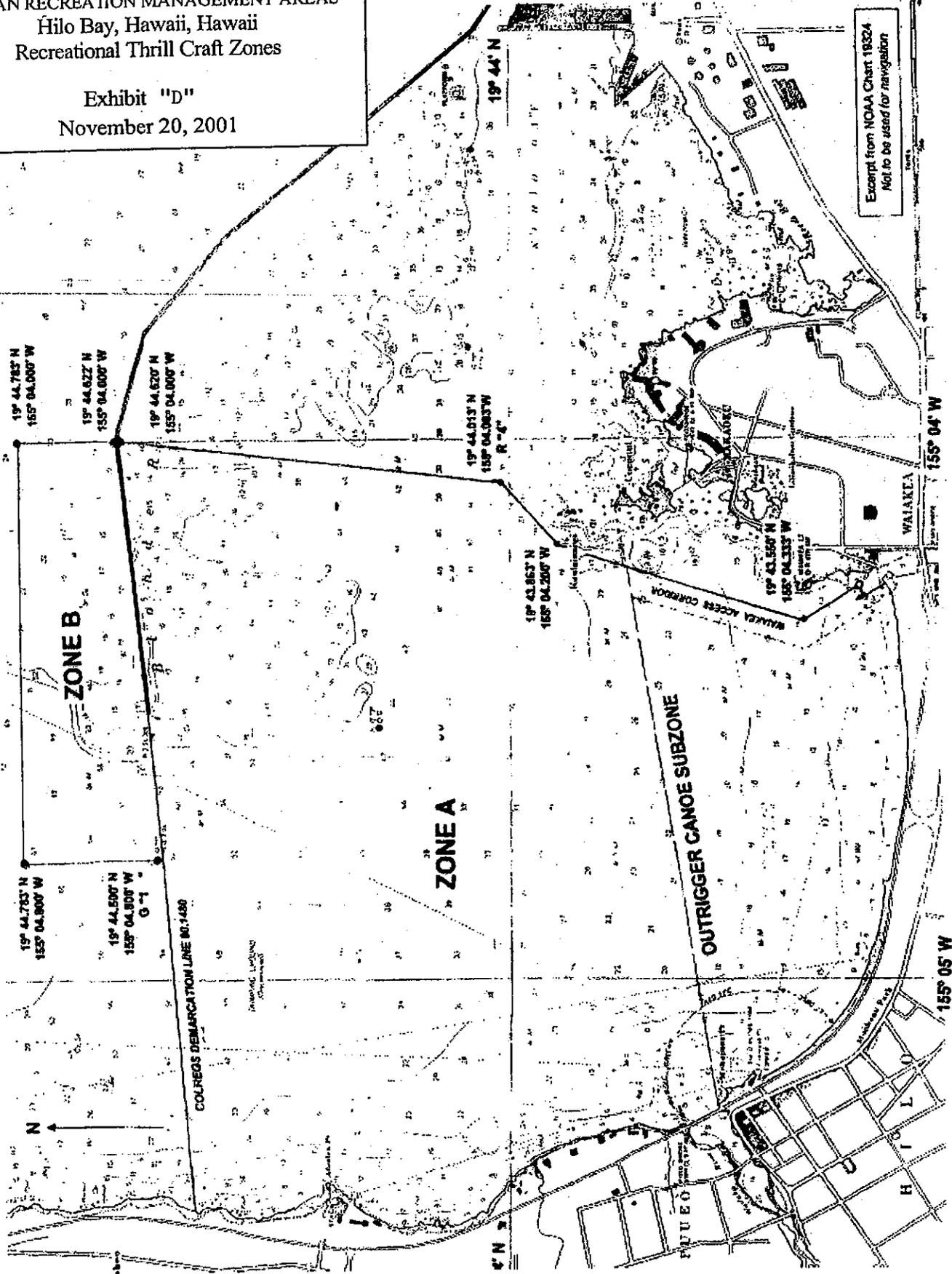
(c) During the outrigger canoe operating season, the western boundary of the Waiakea access corridor is extended northward and parallel to the eastern boundary of recreational thrill craft zone "A" at a distance of 300 feet to the northern boundary of the outrigger canoe subzone, as shown on Exhibit "CCC", dated November 20, 2001, located at the end of this chapter. No thrill craft shall exceed a speed of 15 miles per hour within this corridor. [Eff 2/24/94]
[Am] (Auth: HRS §§200-22, 200-23, 200-24, 200-37) (Imp: HRS §§200-22, 200-23, 200-24, 200-37)"

New material is underlined. Material to be deleted is bracketed and stricken.

OCEAN RECREATION MANAGEMENT AREAS
Hilo Bay, Hawaii, Hawaii
Recreational Thrill Craft Zones

Exhibit "D"
November 20, 2001

Excerpt from NOAA Chart 18324
Not to be used for navigation



19° 44.785' N
155° 04.000' W

19° 44.627' N
155° 04.000' W

19° 44.620' N
155° 04.000' W

19° 44.013' N
155° 04.000' W

19° 43.867' N
155° 04.200' W

19° 43.500' N
155° 04.333' W

19° 44.785' N
155° 04.800' W

19° 44.500' N
155° 04.800' W

155° 05' W

N

COLLEGE DEMARCATION LINE NO. 1430

ZONE B

ZONE A

OUTRIGGER CANOE SUBZONE

WAIKOLA

HILLO

HILLO

HILLO

HILLO

HILLO

HILLO

HILLO